

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the Los Angeles County Metropolitan Transportation Authority for an order authorizing the construction of a two-track at-grade crossing for the Eastside Corridor Light Rail Transit Line across Ford Boulevard, across McDonnell Avenue and across Arizona Avenue in the County of Los Angeles.

Application 03-09-012  
(Filed September 8, 2003)

In the Matter of the Application of the Los Angeles County Metropolitan Transportation Authority for an order authorizing the construction of a two-track at-grade crossing for the Eastside Corridor Light Rail Transit Line across Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway and the intersection of Woods Avenue, via Corona and Beverly Boulevard in the County of Los Angeles.

Application 03-09-021  
(Filed September 11, 2003)

In the Matter of the Application of the Los Angeles County Metropolitan Transportation Authority for an order authorizing the construction of a two-track pedestrian grade crossing at Marianna Avenue and at a two track grade crossing at Eastern Avenue for the Eastside Corridor Light Rail Transit Line in the County of Los Angeles.

Application 03-09-028  
(Filed September 17, 2003)

## **O P I N I O N**

### **Summary**

This decision grants Los Angeles County Metropolitan Transportation Authority's (MTA) request for authority to construct, as part of the Eastside Corridor Light Rail Transit Line (ELRL) project, the proposed two-track at-grade pedestrian-rail crossing at Marianna Avenue and the nine proposed two-track at-grade highway-rail crossings across Eastern Avenue, Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard in an unincorporated area of the County of Los Angeles (County).

### **Discussion**

MTA proposes to construct one at-grade pedestrian-rail crossing and nine at-grade highway-rail crossings, described as follows:

1. In Application (A.) 03-09-012, MTA proposes to construct two-track at-grade highway-rail crossings across Ford Boulevard (proposed CPUC Crossing No. 84E-4.92), McDonnell Avenue (proposed CPUC Crossing No. 84E-5.05), and Arizona Avenue (proposed CPUC Crossing No. 84E-5.23).
2. In A.03-09-021, MTA proposes to construct two-track at-grade highway-rail crossings across Mednik Avenue (proposed CPUC Crossing No. 84E-5.33), Civic Center Way (proposed CPUC Crossing No. 84E-5.44), La Verne Avenue (proposed CPUC Crossing No. 84E-5.53), County Sheriff's Station Driveway (proposed CPUC Crossing No. 84E-5.59), and the intersection of Woods Avenue, Via

Corona, and Beverly Boulevard (proposed CPUC Crossing No. 84E-5.69).

3. In A.03-09-028, MTA proposes to construct a two-track at-grade pedestrian-rail crossing at Marianna Avenue (proposed CPUC Crossing No. 84E-4.55-D) and a two-track at-grade highway-rail crossing across Eastern Avenue (proposed CPUC Crossing No. 84E-4.65).

MTA's ELRL will be an eastward extension of the Pasadena Gold Line and will be six miles in length. The ELRL will begin at the end of the Pasadena Gold Line track at Union Station. At the sites of the proposed at-grade pedestrian-rail crossing at Marianna Avenue and the proposed at-grade highway-rail crossings across Eastern Avenue, Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard at-grade highway-rail crossings, the ELRL will run easterly in the center of Third Street to Woods Avenue. Only light rail trains normally will use the tracks in Third Street, which will be paved. However, emergency vehicles, such as fire trucks, police cars, and ambulances, except where the tracks are beneath certain freeway bridges and where the track location is at a grade lower than the adjacent Third Street pavement, such as at Ford Station, may access the tracks in Third Street. The ELRL will have a double track with overhead power distribution and will operate electrically powered cars 90 feet in length. Furthermore, trains will operate at a speed no greater than the maximum automotive speed along Third Street with a maximum speed of 35 miles per hour. MTA will utilize an over speed protection system in the event a train

operator exceeds the 35 miles per hour speed and the operator does not respond to the over speed indication. In such instances, a train will stop automatically.

The proposed at-grade pedestrian-rail crossing and each of the nine proposed at-grade highway-rail crossings will have traffic signals for motorists and pedestrians and dedicated train signals (lunar white bar indications) for the train operators. To further enhance safety on the ELRL, the proposed at-grade pedestrian-rail crossing at Marianna Avenue and the proposed at-grade highway-rail crossing across Eastern Avenue will have train-actuated light emitting diode warning signs; the proposed at-grade highway-rail crossings across Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard will have train-actuated fiber-optic or light emitting diode warning signs to give warning of approaching trains to motor vehicle operators and pedestrians. For intersections within its jurisdiction, County will coordinate traffic signals to the extent possible to provide priority to train traffic.

Commission General Order (GO) 143-B provides for the operation of light rail transit lines. MTA proposes to adopt ELRL operations that will meet the requirements of GO 143-B, Section 9.04(b)(4) to construct the proposed tracks along Third Street, the proposed at-grade pedestrian-rail crossing at Marianna Avenue, and the proposed at-grade highway-rail crossings across Eastern Avenue, Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard.

MTA filed three Applications, A.03-09-012, A.03-09-021, and A.03-09-028 to construct the proposed at-grade pedestrian-rail crossing at Marianna Avenue

and the proposed at-grade highway-rail crossings across Eastern Avenue, Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard. Since the proposed at-grade pedestrian-rail crossing and the nine proposed at-grade highway-rail crossings are in the same vicinity, are located along MTA's ELRL tracks, and are part of the same project, the three Applications involve related questions of fact. Consequently, pursuant to Rule 55 of the Commission's Rules of Practice and Procedure, we will consolidate the three Applications and will prepare one order authorizing construction of the proposed at-grade pedestrian-rail crossing and the nine proposed at-grade highway-rail crossings.

MTA is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended in 1982 and as stated in Public Resources (PR) Code Section 21000 et seq. MTA prepared a Final Supplemental Environmental Impact Statement/Final Subsequent Environmental Impact Report (Final SEIS/SEIR), assigned State Clearinghouse (SCH) Number 1999081061, for the project on January 4, 2002. On February 28, 2002, the MTA Board of Directors approved the project and adopted the Final SEIS/SEIR. On March 1, 2002, in compliance with PR Code Sections 21108 and 21152, MTA filed a Notice of Determination (NOD) with the State Clearinghouse and the Los Angeles County Clerk. The NOD is attached to Appendix C of the order. The NOD concluded that the project will have a significant effect on the environment and mitigation measures were made a condition for project approval. Findings were made pursuant to the provisions of CEQA, and MTA adopted a "Statement of Overriding Considerations" (SOC) for this project.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that a responsible agency must conduct are contained in CEQA Guideline Section 15096.

We reviewed the lead agency's environmental documents, and we find them adequate for our decision-making purposes. These documents include the Final SEIS/SEIR for the Los Angeles Eastside Corridor (SCH No. 1999081061), prepared jointly by the United States Department of Transportation – Federal Transit Administration and MTA. In considering this document, we note that the Final SEIS/SEIR developed and evaluated a range of alternatives as well as a “No-Build Alternative.” The Final SEIS/SEIR included an analysis of potential environmental impacts related to the project and alternatives related to, among other items, transportation, land use and development, land acquisition/displacement and relocation, air quality, noise and vibration, and safety. Safety, transportation, and noise are within the scope of the Commission's permitting process. The Final SEIS/SEIR (Volume I) contains statements pertaining to the affected environment, methodology for impact evaluation, impacts, and mitigation. MTA identified environmental impacts related to safety, transportation, and noise.

Potential safety impacts relate to the number of light rail trains operating during weekday peak hours and the risk of collisions with vehicles on the public roadway portion of the system. To mitigate the potential impacts to less-than-

significant levels, MTA will implement mitigation measures, including working with the County traffic control department, minimizing turns by vehicles across tracks, installing traffic controls, such as automatic signs and intersection surveillance cameras, and providing safety lighting where there is conflict between the movement of pedestrians, vehicles, and trains.

Potential transportation impacts relate to areas of vehicular back-ups during peak hours at certain intersections. To mitigate most impacts to less-than-significant levels, adopted mitigation measures include modified turn lanes and parking restrictions at specified locations.

Potential noise impacts are anticipated at various one-family and two-family residential buildings. Adopted mitigation measures to reduce most impacts to less-than-significant levels include rail grinding and replacement, rail vehicle wheel truing and replacement, vehicle maintenance, and sound insulation at impacted buildings.

The “Findings Of Fact And Statement Of Overriding Considerations,” (FFSOC) contains statements pertaining to impacts, mitigation measures, and findings for each impact. The FFSOC categorized these impacts as “Significant Effects Determined to be Mitigated to a Less Than Significant Level,” “Significant Effects That Are Not Mitigated to a Less Than Significant Level,” and “Effects Determined Not to be Significant or Less Than Significant.” Included in the FFSOC are the SOC and “Mitigation Monitoring Plan” (MMP). The MTA Board of Directors adopted the SOC to approve the project despite significant and unavoidable adverse environmental impacts identified in the Final SEIS/SEIR and FFSOC related to transportation and noise. Specifically, it was determined that transportation mitigation measures adopted for the project would not fully reduce impacts to less-than-significant levels for residual traffic back-ups at a

limited number of intersections. In addition, while adopted noise mitigations would fully mitigate noise impacts in interior areas of various one-family and two-family residential buildings, the mitigations would not reduce impacts to less-than-significant levels for the exterior areas of those buildings.

The MTA Board of Directors found that the benefits of the proposed project outweigh the unavoidable significant adverse environmental impacts. The Board of Directors determined that each of the separate benefits identified in the SOC, in itself and independent of other project benefits, is a basis for overriding all unavoidable impacts identified in the Final SEIS/SEIR and noted in the Board of Directors' findings. Specific overriding benefits resulting from the project include restoring the balance of regional capital transportation expenditures, improving access for area residents to local destinations and regional rail and bus systems, providing convenient and reliable transportation, and decreasing annual regional vehicle miles traveled.

In reviewing the Final SEIS/SEIR and MMP, we find that with respect to issues within the scope of our permitting process, MTA, where possible, adopted feasible mitigation measures to lessen the significant environmental impacts to less-than-significant levels. We will adopt MTA's findings and mitigations for purposes of our approval.

With respect the SOC, we find that the Board of Directors enumerated several significant benefits associated with the proposed project which appeared, on balance, to reasonably justify approval of the project despite certain significant and unavoidable impacts. Therefore, we accept and adopt the findings of the SOC for purposes of our approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) has inspected the sites of the proposed at-



grade pedestrian-rail crossing at Marianna Avenue and the proposed at-grade highway-rail crossings across Eastern Avenue, Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard. After reviewing the need for and the safety of the proposed at-grade pedestrian-rail crossing and the nine proposed at-grade highway-rail crossings, RCES recommends that the Commission grant MTA's requests. RCES concurs with MTA's determination in the Applications that separation of grades of the proposed at-grade pedestrian-rail crossing and the nine proposed at-grade highway-rail crossings would be impracticable. Therefore, MTA is not required to grade-separate the crossings under Public Utilities Code Section 1202(c).

The Applications are in compliance with the Commission's filing requirements, including Rule 40 of Rules of Practice and Procedure, which relates to the construction of railroad tracks across public highways. Site maps and detailed drawings of the proposed at-grade pedestrian-rail crossing and the nine proposed at-grade pedestrian-rail crossings are shown in Appendix B attached to the order.

In Resolutions ALJ 176-3119 (which categorized A.03-09-012 and A.03-09-021) and ALJ 176-3120 (which categorized A.03-09-028), dated September 18, 2003, and October 2, 2003, respectively, and published in the Commission Daily Calendar on September 19, 2003, and October 3, 2003, respectively, the Commission preliminarily categorized A.03-09-012, A.03-09-021, and A.03-09-028, as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, these preliminary determinations

remain correct. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolutions ALJ 176-3119 and ALJ 176-3120.

These Applications are uncontested matters in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), we waive the otherwise applicable 30-day period for public review and comment.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. The Commission published Notices of A.03-09-012, A.03-09-021, and A.03-09-028, respectively, in the Commission Daily Calendar on September 10, 2003; September 15, 2003; and September 19, 2003. There are no unresolved matters or protests; a public hearing is not necessary.

2. MTA requests authority, under Public Utilities Code Sections 1201-1205, to construct, as part of MTA's ELRL project, the proposed two-track at-grade pedestrian-rail crossing at Marianna Avenue and the proposed two-track at-grade highway rail crossings across Eastern Avenue, Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard in an unincorporated area of County.

3. Public convenience and necessity require construction of the proposed at-grade pedestrian-rail crossing and the nine proposed at-grade highway-rail crossings of MTA's ELRL tracks.

4. Public safety requires, at the proposed at-grade pedestrian-rail crossing and each of the nine proposed at-grade highway-rail crossings, the installation of traffic signals for motorists and pedestrians and dedicated train signals (lunar

white bar indications) for the train operators. To further enhance safety on the ELRL, the proposed at-grade pedestrian-rail crossing at Marianna Avenue and the proposed highway-rail crossing across Eastern Avenue will have train-actuated light emitting diode warning signs; the proposed at-grade highway-rail crossings across Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard will have train-actuated fiber-optic or light emitting diode warning signs to give warning of approaching trains to motor vehicle operators and pedestrians. For intersections within its jurisdiction, County will coordinate traffic signals to the extent possible to provide priority to train traffic.

5. MTA is the lead agency for this project under CEQA, as amended.

6. In approving the project on February 28, 2002, the MTA Board of Directors adopted the Final SEIS/SEIR for the Los Angeles Eastside Corridor (SCH No. 1999081061) and found that "The project will have a significant effect on the environment." Mitigation measures were made a condition of the approval of the project. Findings were made pursuant to the provisions of CEQA. An SOC was adopted for this project.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Final SEIS/SEIR, NOD, and the SOC. We find these documents to be adequate for our decision-making purposes.

8. Safety, transportation, and noise are within the scope of the Commission's permitting process.

9. For the approved project, the lead agency identified environmental impacts related to safety, transportation, and noise.

**Conclusions of Law**

1. With respect to significant impacts from safety, transportation, and noise, we find that the lead agency adopted feasible mitigation measures where possible to substantially lessen the environmental impacts to a less-than-significant level. We adopt these mitigation measures for purposes of our approval. With respect to the significant and unavoidable environmental impacts, we find that MTA enumerated several significant benefits to justify project approval. Therefore, we also adopt the SOC for purposes of our approval.

2. A.03-09-012, A.03-09-021, and A.03-09-028 may be consolidated and granted as set forth in the following order.

**O R D E R****IT IS ORDERED** that:

1. The Commission authorizes Los Angeles County Metropolitan Transportation Authority (MTA) to construct the proposed two-track at-grade pedestrian-rail crossing at Marianna Avenue and the nine proposed two-track at-grade highway-rail crossings across Eastern Avenue, Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard, of MTA's Eastside Corridor Light Rail Transit Line (ELRL), in an unincorporated area of the County of Los Angeles (County), at the locations and substantially as described in and as shown by plans attached to consolidated Application (A.) 03-09-012, A.03-09-021, and A.03-09-028; as described in Appendix A attached to this order; and as shown by plans in Appendix B attached to this order.

2. MTA, in cooperation with County, shall ensure, at the proposed at-grade pedestrian-rail crossing and each of the nine proposed at-grade highway-rail crossings, the installation of traffic signals for motorists and pedestrians and dedicated train signals (lunar white bar indications) for train operators. To further enhance safety on the ELRL, MTA, at the proposed at-grade pedestrian-rail crossing at Marianna Avenue and the proposed at-grade highway-rail crossing across Eastern Avenue, shall install train-actuated light emitting diode warning signs, and, at the proposed at-grade highway-rail crossings across Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard, shall install train-actuated fiber-optic or light emitting diode warning signs to give motorists and pedestrians warning of approaching trains. For intersections within its jurisdiction, County shall coordinate traffic signals to the extent possible to provide priority to train traffic.

3. Clearances and walkways shall conform to all applicable Commission General Orders.

4. MTA and County (parties) shall bear construction and maintenance costs in accordance with an agreement into which the parties have entered. Should the parties fail to agree, the Commission shall apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, MTA shall notify the Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.

6. This authorization shall expire if not exercised within two years unless the Commission extends the time or if the parties do not comply with the above conditions. The Commission may revoke or modify authorization if public convenience, necessity or safety so require.

7. The Commission grants consolidated A.03-09-012, A.03-09-021, and A.03-09-028 as set forth above.

8. Consolidated A.03-09-012, A.03-09-021, and A.03-09-028 are closed.

This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX A**

As part of the project to construct the Eastside Corridor Light Rail Transit Line (ELRL), the Los Angeles County Metropolitan Transportation Authority (MTA) proposes to construct a two-track at-grade pedestrian-rail crossing at Marianna Avenue and nine two-track at-grade highway-rail crossings across Eastern Avenue, Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Driveway, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard in an unincorporated area of the County of Los Angeles (County). Consolidated Application (A.) 03-09-012, A.03-09-021, and A.03-09-028 indicate the full details of the proposed at-grade pedestrian-rail crossing and the nine proposed at-grade highway-rail crossings and more particularly as set forth below:

<u>At-grade Crossing</u>	<u>CPUC Crossing No.</u>	<u>Application No.</u>
Marianna Avenue	84E-4.55-D	A.03-09-028
Eastern Avenue	84E-4.65	A.03-09-028
Ford Boulevard	84E-4.92	A.03-09-012
McDonnell Avenue	84E-5.05	A.03-09-012
Arizona Avenue	84E-5.23	A.03-09-012
Mednik Avenue	84E-5.33	A.03-09-021
Civic Center Way	84E-5.44	A.03-09-021
La Verne Avenue	84E-5.53	A.03-09-021
County Sheriff's Station Driveway	84E-5.59	A.03-09-021
Woods Avenue, Via Corona, and Beverly Boulevard intersection	84E-5.69	A.03-09-021



Note: MTA, in cooperation with County, shall ensure, at the proposed at-grade pedestrian-rail crossing and each of the nine proposed at-grade highway-rail crossings, the installation of traffic signals for motorists and pedestrians and dedicated train signals (lunar white bar indications) for train operators. To further enhance safety on the ELRL, MTA, at the proposed at-grade pedestrian-rail crossing at Marianna Avenue and the proposed at-grade highway-rail crossing across Eastern Avenue, shall install train-actuated light emitting diode warning signs, and, at the proposed at-grade highway-rail crossings across Ford Boulevard, McDonnell Avenue, Arizona Avenue, Mednik Avenue, Civic Center Way, La Verne Avenue, County Sheriff's Station Drive, and the intersection of Woods Avenue, Via Corona, and Beverly Boulevard, shall install train-actuated fiber-optic or light emitting diode warning signs to give motorists and pedestrians warning of approaching trains. For intersections within its jurisdiction, County shall coordinate traffic signals to the extent possible to provide priority to train traffic.

**APPENDIX B**  
**PLANS**

































**A P P E N D I X C**  
**ENVIRONMENTAL DOCUMENTS**





